

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 201908464	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/24/2019 5:41 PM	Location of Incident: PSA 4 stationhouse	Precinct: 07	18 Mo. SOL 11/24/2020	EO SOL 7/11/2021	
Date/Time CV Reported Thu, 09/12/2019 2:20 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 09/12/2019 2:20 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Miller	17634	958934	PSA 4
2. POF Natalie Roman	27562	934128	PSA 4

Officer(s)	Allegation	Investigator Recommendation
A.POF Natalie Roman	Discourtesy: Police Officer Natalie Roman acted discourteously toward § 87(2)(b)	
B.POM Richard Miller	Abuse: Police Officer Richard Miller failed to obtain language interpretation services for § 87(2)(b)	
C.POM Richard Miller	Discourtesy: Police Officer Richard Miller spoke discourteously to § 87(2)(b)	

Case Summary

On September 12, 2019, § 87(2)(b) filed this complaint with the CCRB in-person.

At approximately 5:41 p.m. on May 24, 2019, § 87(2)(b) was arrested pursuant to an open domestic violence complaint and charged with § 87(2)(b) (Board Review #01). Her arrest was processed at the PSA 4 stationhouse by Police Officer Natalie Roman and Police Officer Richard Miller, the PSA 4 domestic violence officers. § 87(2)(b) speaks Russian as her primary language and has limited English proficiency. She is also a Muslim and was wearing a headscarf at the time. Police Officer Roman told § 87(2)(b) that she had to remove the headscarf for her arrest photograph. § 87(2)(b) refused to remove the headscarf. Police Officer Roman allegedly grabbed the headscarf and pulled it off § 87(2)(b)'s head (**Allegation A: Discourtesy – Action**, § 87(2)(g)). Later, § 87(2)(b) allegedly asked Police Officer Miller in English to obtain a Russian-language interpreter for her. Police Officer Roman allegedly claimed that he was unable to understand what she was asking for due to her accent. § 87(2)(b) allegedly repeated this request several times, but Police Officer Miller continued to insist that he could not understand her due to her accent (**Allegation B: Abuse of Authority – Refusal to obtain interpreter**, § 87(2)(g)). **Allegation C: Discourtesy – Demeanor/tone**, § 87(2)(g).

No video footage was found for this incident.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Natalie Roman acted discourteously towards

§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on September 12, 2019. Police Officer Roman and Police Officer Miller were interviewed at the CCRB on October 30, 2019.

It is undisputed that § 87(2)(b) is a Muslim and was wearing a headscarf while her arrest was being processed at the stationhouse. Police Officer Roman told § 87(2)(b) that she needed to remove the headscarf for her arrest photograph. § 87(2)(b) refused to remove the headscarf. Eventually, the scarf was removed from § 87(2)(b)'s head, allowing Police Officer Roman to take her arrest photograph (Board Review #02).

§ 87(2)(b) alleged that when Police Officer Roman asked her to remove her headscarf, she refused to do so, citing religious reasons. Police Officer Roman then produced a previous arrest photograph from an arrest that had occurred approximately 18 months earlier. Police Officer Roman pointed out § 87(2)(b) was not wearing a headscarf in the old photograph. § 87(2)(b) replied that she had converted to Islam after that photograph was taken. Police Officer Roman told § 87(2)(b) that it would take approximately two days longer to process her arrest if she did not remove the headscarf. She then grabbed § 87(2)(b)'s headscarf and pulled it off. She took the arrest photograph but did not immediately return the headscarf. § 87(2)(b) asked Police Officer Roman to return the headscarf several times, but Police Officer Roman initially ignored these requests. Police Officer Roman eventually returned the headscarf about an hour and a half later.

§ 87(2)(b) alleged that there was another prisoner in the holding cell at the time of this interaction. A review of the PSA 4 prisoner holding pen roster, however, found that there were no other prisoners held at the stationhouse during § 87(2)(b)'s stay (Board Review #03).

Police Officer Roman stated that she directed § 87(2)(b) to remove her headscarf because civilians cannot wear head coverings in their arrest photographs. § 87(2)(b) replied that she could not remove the headscarf because her husband is a Muslim and she therefore “needed” to wear it. Police Officer Roman told § 87(2)(b) that only her own religious beliefs, not her husband's, were relevant. § 87(2)(b) continued to state that she “needed” to wear the

headscarf because of her husband's religion but did not state whether she had her own religious reasons for wearing the headscarf. Eventually, § 87(2)(b) removed the headscarf herself and allowed Police Officer Roman to take the photograph. Police Officer Roman denied that she removed § 87(2)(b)'s scarf herself. After the photograph was taken, § 87(2)(b) began crying and stated that she was also a Muslim. Police Officer Roman then returned the headscarf to her. Police Officer Roman estimated that this interaction lasted for a few minutes.

Police Officer Miller initially did not recall if § 87(2)(b) was photographed at the stationhouse. When informed that Police Officer Roman was alleged both to have taken an arrest photograph and to have asked § 87(2)(b) to remove her headscarf, Police Officer Miller recalled witnessing the interaction. Police Officer Roman told § 87(2)(b) that she had to remove the headscarf for the arrest photograph, and that if she did not do so, then she would be transported to Central Booking and photographed there. He did not recall if § 87(2)(b) was ultimately photographed at the stationhouse. He did not know if her headscarf was removed at any time while in the stationhouse. He did not recall seeing Police Officer Roman removing § 87(2)(b)'s headscarf herself.

NYPD Patrol Guide procedure 208-07 states that if a prisoner wearing a religious head covering refuses to remove it for their arrest photograph, their arresting officer should take a photograph of the prisoner with their head coverings on. They will then inform the prisoner that if they continue to refuse to remove the head covering, they will be transferred to the Mass Arrest Processing Center at One Police Plaza, where the head covering will be removed and an arrest photograph will be taken under more private circumstances. The arresting officer will also inform them that their transfer to One Police Plaza may delay the processing of their arrest. Arresting officers are not directed to remove prisoners' religious head coverings during the processing of the arrest (Board Review #04).

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Richard Miller failed to obtain language interpretation services for § 87(2)(b)

Allegation (C) Discourtesy: Police Officer Richard Miller spoke discourteously to § 87(2)(b)

It is undisputed that § 87(2)(b)'s primary language is Russian and that she speaks limited English. § 87(2)(b) spoke to the officers in English when she was taken into custody and was photographed. Neither § 87(2)(b) nor the officers alleged that they had any difficulty communicating with each other during these interactions.

§ 87(2)(b) stated that she was returned to her holding cell after Police Officer Roman took her arrest photograph. She waited there for several hours until she was taken to Central Booking. At some point during this period, Police Officer Miller entered the room. § 87(2)(b) asked Police Officer Miller to obtain a Russian-language interpreter for her. Police Officer Miller replied that he could not understand what § 87(2)(b) was saying due to her accent. § 87(2)(b) repeated her request several times, but Police Officer Miller responded each time by claiming that he could not understand what she was saying. § 87(2)(b) believed that she was speaking in a clear manner and that Police Officer Miller was only pretending not to understand her to mock her. § 87(2)(b) was not ultimately provided with an interpreter.

Police Officer Miller denied that he spoke directly to § 87(2)(b) while she was in custody. He denied that she asked him or any other officers for an interpreter. He denied telling § 87(2)(b) that she would not be given an interpreter. He did not recall making any remarks to § 87(2)(b) about her accent.

Police Officer Roman did not recall hearing § 87(2)(b) request an interpreter at any point. She was not aware of any officers denying her access to an interpreter. She was not aware of any officers making derogatory remarks about § 87(2)(b)'s accent.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named as a victim in four allegations (Board Review #05).
§ 87(2)(b)
- Police Officer Roman has been a member of the service for fifteen years and has been a subject in four previous CCRB complaints and seven allegations, one of which was substantiated.
 - 201411757 involved a substantiated allegation of discourtesy (word). The Board recommended that she receive command discipline A. The NYPD imposed command discipline A.
 - § 87(2)(g)
- Police Officer Miller has been a member of the service for four years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on November 12, 2019. The results will be included in the case file upon receipt.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date